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III. Reimbursement

A. Funding

HCP shall reimburse OCSE for the administrative costs incurred as the result of medical support enforcement activities and the duties undertaken pursuant to this agreement. Reimbursement from HCP shall be limited to the cost of services not required to be provided under the Child Support Enforcement Amendments of 1984.

B. Incentive Payments

HCP shall make an incentive payment for collections and/or recovery of medical costs which are the direct result of actions taken by a political subdivision, a legal entity of the subdivision, such as a prosecuting or district attorney or friends of the court, or another state.

The incentive payment shall be equal to 15% of the amount collected and shall be made from the federal share of that amount.

IV. OCSE Administrative Requirements

A. OCSE Organizational Structure (reference 45 CFR 306.11(a))

The Minnesota Child Support Enforcement Program is supervised by the state and administered by the counties. The program has local offices in each county human service department, welfare department, or county Attorney's office.

B. Maintenance of Records

OCSE shall establish and maintain information concerning medical support activities in accordance with 45 CFR 302.15, Reports and Maintenance of Records.

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C. Government Data Practices Act

For the purposes of executing its responsibilities under this agreement, OCSE and HCP are considered part of the welfare system as defined in Minnesota Statute section 13.46, subdivision 1. OCSE and HCP employees and agents shall have access to private data maintained by HCP and OCSE to the extent necessary to carry out responsibilities under this agreement. OCSE and HCP agree to comply with all the requirements of the Minnesota Government Data Practices Act in providing services under this agreement. The Commissioner, Department of Human Services or a designated representative, is the authority in charge of all data collected, used or disseminated by HCP or OCSE in connection with the performance of this agreement. OCSE and HCP accepts responsibility for providing adequate supervision and training of its agents and employees to ensure compliance with the Act. No private or confidential data collected, maintained, or used in the course or performance of this agreement shall be disseminated except as authorized by statute, either during the period of this agreement or thereafter.

The use or disclosure of information concerning applicants for or recipients of medical support enforcement services is subject to the limitations in 45 CFR 303.21, Safeguarding Information.

D. Accountability

1. The local child support agency shall maintain an accounting system and supporting fiscal records adequate to assure that claims for reimbursement from the Medicaid agency are in accordance with applicable Federal requirements in 45 CFR Part

74, Administration of Grants.

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2. A methodology shall be established for properly allocating those costs that cannot be directly charged to medical support activities.

V. Administration of Agreement

- A. The Director of Health Care Programs and the Director of the Office of Child Support Enforcement are designated as the authorized agents responsible for the administration of this agreement.
- B. Any changes in the terms or conditions of this agreement must receive the prior written approval of both parties.
- C. This agreement may be cancelled by either party by providing sixty (60) days advance written notice to the other party of a specific date of termination.

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IN WITNESS WHEREOF, the parties have caused this agreement to be executed intending to be bound thereby.

APPROVED:

HEALTH CARE PROGRAMS

By: Robert Baird

Title: Director

Date: 9/23/86

OFFICE OF CHILD SUPPORT ENFORCEMENT

By: Thomas J. Pichard

Title: Director

Date: 9/23/86

As To Form and Execution By The

ATTORNEY GENERAL

By: Patricia A. Somerby

Date: 9/23/86

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INTERAGENCY AGREEMENT BETWEEN
DEPARTMENT OF HUMAN SERVICES
AND JOBS AND TRAINING**OFFICIAL**

Whereas, the Department of Human Services (DHS) has received approval from the Health Care Financing Administration to reimburse vendors of day training and habilitation services licensed under Minnesota Rules, parts 9525.1500 to 9525.1690 using Medical Assistance (MA) funds for supported employment services (as defined in III B) to persons with mental retardation or related conditions in accordance with the criteria and definitions outlined below; and

Whereas, the Department of Jobs and Training, Division of Rehabilitation Services Vocational Rehabilitation Program (DRS/VR) also makes available supported employment services in accordance with Section 110 of the Rehabilitation Act of 1973 (29 USC 730) as amended in October of 1986 and delivered by vocational rehabilitation counselors; and

Whereas, regulations implementing section 9502(a) of P.L. 99-272 require that before MA funds can be used to reimburse supported employment services, the state certify that supported employment services are not otherwise available to an individual from DRS/VR under section 110 of the Rehabilitation Act of 1973 (29 USC 730); and

Whereas, Minnesota Statutes, sections 252.43 provides the Department of Human Services the authority to enter into agreements with the Department of Jobs and Training; and

Whereas, Minnesota Statutes, section 268.0122, subdivision 2 provides the Department of Jobs and Training the authority to contract with the Department of Human Services to carry out functions of implementation associated with employment and training programs;

NOW, THEREFORE, IT IS AGREED THAT:

- I. The Department of Human Services and the Department of Jobs and Training agree to cooperate in determining individual eligibility for funding of a particular supported employment service in accordance with parts II, III, IV, V, VI and VII.
- II. Applicability. The provisions contained in this agreement apply to local county social service agencies and county case managers of persons with mental retardation or related conditions and to local DRS/VR agencies.
- III. Department of Human Services Duties. The Department of Human Services shall supervise local county social service agencies and shall assure that local county social service agencies comply with the following provisions. The following are actions required and criteria to be followed by county case managers of persons with mental retardation or related conditions when determining eligibility for and funding of a particular supported employment service:
 - A. Before supported employment services may be provided to persons with mental retardation or a related condition under the Home and Community-Based Waiver, a screening team convened in accordance with Minnesota Rules, parts 9525.0065 must determine that supported employment services are appropriate and that the person is eligible

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Supersedes TN # 161E

for such services. Case managers must consult with the DRS/VR counselor or representative from the area vocational rehabilitation office as part of the assessment process prior to the screening. Attachment A, entitled Documentation of Eligibility For Supported Employment Services Under the Home and Community-Based Waiver And Client Choice Of Services, must be completed by the county case manager and signed by the county case manager and representative from the local DRS/VR agency. A copy of the form must be attached to the screening document submitted to the regional service specialist (RSS) for MA authorization. A copy of the completed form must also be included in the person's individual service plan file and a copy retained by the local DRS/VR agency or representative.

- B. Supported employment services provided to a person with mental retardation or a related condition must be provided by a day training and habilitation services vendor licensed under Minnesota Rules, parts 9525.1500 to 9525.1690 and must meet the following criteria to be reimbursable under the Home and Community-Based Waiver:
1. The services are provided to an individual who resided in an ICF/MR or regional treatment center immediately prior to being served under the waiver and the person was discharged from the ICF/MR or regional treatment center on or after April 7, 1986.
 2. The services are authorized by the case manager as part of an individual service/habilitation plan which includes residential services funded under the Home and Community-Based Waiver.
 3. The services allow an individual 1) to engage in paid employment in a setting where persons without disabilities are also employed, particularly existing businesses or industry sites, and 2) the opportunity for social interactions with persons who do not have disabilities and who are not paid caregivers.
 4. Public funds are necessary for the purpose of providing ongoing training and support services throughout the period of employment.
 5. The person is not eligible for the particular supported employment service from a vocational rehabilitation program funded under Section 110 of the Rehabilitation Act of 1973 (29 USC 730) as amended in October of 1986 and delivered by DRS/VR. A finding that the person is not eligible for a particular service or that the needed services are not available from DRS/VR must be based on written documentation on forms supplied by the Commissioner of Human Services and filed with the individual service plan (see Attachment A).
- C. When a person requires supported employment services and they are provided by a day training and habilitation services vendor licensed under Minnesota Rules, parts 9525.1500 to 9525.1690, the screening document (Attachment B), must be coded under Planned, Block 3, Item 12 (Adult day habilitation). "Supported Employment" must be written in Note Area 2 and also coded under Funding for Planned, Block 31, Item 12, as appropriate.

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IV. Department of Jobs and Training Duties. The Department of Jobs and Training shall supervise local DRS/VR agencies that deliver supported employment services, and shall assure that local DRS/VR agencies comply with the following provisions.

A. Services to clients with a goal of supported employment are provided through agencies that provide specialized services which have been found through research and demonstration to result in paid employment. These specialized services include time-limited, intensive training at the actual job site by a job coach and other time-limited training for attainment of a supported employment outcome as agreed upon and specified for each client in the Individually Written Rehabilitation Program (IWRP). When the objectives of the IWRP have been met or it is determined that the person's optimal productivity level has been reached, long-term support will take effect and responsibility for funding, support, and case management will be assumed by the county social service agency.

B. When contacted by the county case manager of a person with mental retardation or a related condition, a representative of the local DRS/VR agency will cooperate with the county case manager to determine whether the person with mental retardation or a related condition is eligible for funding of a particular supported employment service under Section 110 of the Rehabilitation Act of 1973 as amended.

1. When the person is not eligible for reimbursement of a particular supported employment service under section 110 of the Rehabilitation Act of 1973, as amended, or the needed service is unavailable from DRS/VR, a representative of the local DRS/VR agency must document the client's ineligibility for DRS/VR funded services and co-sign the Documentation of Eligibility For Supported Employment Services Under the Home and Community-Based Waiver and Client Choice of Services.

2. A person's supported employment services must be delivered by DRS/VR in accordance with the following definitions and criteria to be reimbursable under Section 110 of the Rehabilitation Act of 1973 as amended:

a. Supported employment means employment of an individual who experiences a disability or disabilities severe enough to require ongoing training and support in order to retain and maintain employment in a position in which:

1) The individual engages in paid employment (typically for 20 or more hours a week) in a variety of integrated settings, particularly regular work sites; and

2) Public funds are necessary for the purpose of providing ongoing training and support services throughout the period of employment; and

3) There are opportunities for interactions with individuals who do not have disabilities and who are not paid caregivers.

NOTED

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State Rep. In.

87-69

None

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DEC 29, 1987

1/11/88

OCT. 1, 1987

3. Individual eligibility must be documented by a representative of the local DRS/VR agency in accordance with the following criteria:

- a. The presence of a physical or mental disability that is a substantial handicap to employment must be documented through evidence of a comprehensive diagnostic study with medical and/or psychological documentation of primary and any secondary disabilities; a description of how disability constitutes a vocational handicap; and the physical and/or psychological limitations are stated in functional terms.
- b. There must be a reasonable expectation that the provision of rehabilitation services will benefit the individual in terms of employability or that an extended evaluation is necessary in order to determine reasonable expectation of employability.

- 1) Determine whether the employment resulting from the provision of rehabilitation services is likely to be supported employment or competitive.

- 2) If the individual is likely to achieve supported employment, there must be a local agency/individual skilled in the provision of supported employment services from whom services can be purchased; and the county must agree to provide ongoing, perhaps lifetime, support services to insure that the individual will retain his/her job.

V. The date of effectiveness of this agreement is August 1, 1987. The agreement will remain in effect until amended or terminated.

VI. This agreement may be modified by mutual consent of the parties. Modifications to this agreement shall be in writing, and executed as an amendment to this contract.

VII. This agreement may be terminated by either party providing written notice is made 60 days in advance of termination.

VIII. The parties of this agreement agree to the provisions contained in Attachments A, B and C which are incorporated by reference and made part of this agreement.

10/26/87
Date

10/26/87
Date

11-13-87
Date

[Signature]
Department of Human Services

[Signature]
Department of Jobs & Training

[Signature]
Attorney General

Date 1

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Supersedes 11011E Date Appr. 1/11/88

State Rep. In. Y-21 Date Eff. OCT 1, 1987

Date L

Administration
Finance

ATTACHMENT A

DOCUMENTATION OF ELIGIBILITY FOR SUPPORTED EMPLOYMENT SERVICES
UNDER THE HOME AND COMMUNITY-BASED WAIVER AND CLIENT CHOICE OF SERVICES

Person's Name _____
Person's MA ID# _____
Person's Birthdate _____

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- If the person is age 21 or younger (or of school age according to state statute) the person is not eligible for supported employment services funded under the waiver.

I. Client Eligibility

Yes No

— — Did this person exit directly from an ICF/MR into the Waivered Services Program on or after April 7, 1986?

* If no, the person is not eligible for supported employment services funded under the waiver.

— — Will this person be receiving residential services funded under the waiver while receiving supported employment services?

* If no, the person is not eligible for supported employment services funded under the waiver.

— — Have you coded DHS Form 2658 (Screening Document) "1" under Planned and Funding For Planned, Block 31, Item 12, (Adult Day Habilitation), and written "supported employment" in Note Area 2?

* If all of above are coded Yes, continue to next section.

II. Service Eligibility

The above-named individual must meet one of the criteria below to be eligible for funding of supported employment under the Home and Community-Based Waiver. This determination should be made in consultation with a Division of Rehabilitation Services/Vocational Rehabilitation (DRS/VR) counselor or representative.

Yes No

— — The person is not considered an appropriate referral to DRS/VR in accordance with the screen-out criteria as described in Section 26520.025 of the Social Security Administration Program Operations Manual or presents an unfavorable applicant profile as described in section 26520.25 of the Social Security Administration Program Operations Manual (i.e., terminal degenerative disease).

OR

— — The person has been referred to DRS/VR but was found to be ineligible.

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Supervisor's Signature None Date App'd 1/11/88
State Dept. ID R-2 Date Evt OCT 1, 1987

OR

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Yes No

— — The person has been a recipient of supported employment services available under Section 110 but is no longer eligible for needed services because the objectives of the IWRP have been met, it was determined that the person's optimal productivity level had been reached, or because DRS/VR funds are not currently available to provide the necessary service.

OR

— — The person is a current client of DRS/VR but the needed services are not available under Section 110.

**Supported Employment Services
To Be Provided By Each Funding Source***

Funding	Service Type/Duration or Dates of Effectiveness
Waiver(MA)	
DRS/VR	

* Services typically available under section 110 may include, but are not limited to, time-limited services including on-the-job training, assessment, counseling, mobility training, transportation training, job development, and job placement. Services typically not available under section 110 may include, but are not limited to long-term services including ongoing support services, training in related skill areas essential to obtaining and retaining employment such as transportation, use of break areas, community resources, etc.

The above completed form constitutes an agreement, effective from _____ to _____, among the local county case manager, the vocational rehabilitation agency or representative, and the person who will receive services for the provision of the supported employment services specified above.

Date

Signature of Case Manager

Date

Signature of local DRS/VR Counselor
or Representative

Date

Signature of Person/Person's Legal
Representative

- * 1 copy in ISP file
- 1 copy to Regional Service Specialist
- 1 copy to local DRS/VR agency or representative

87-69 Date 12/29/87
None Date 1/11/88
v.2 Date 1/19/87